

January 29, 2002 and to indicate thereon that the cited publications were considered and made of record.

Restriction was required under 35 USC 121 to elect a single disclosed species.

The Office Action stated the following at the top of page 1 regarding the species:

"The species of this invention represent the claimed pharmaceutical composition comprising an anti-Fas antibody, and one of the compounds identified as having a folate antagonistic activity or a dihydrofolate reductase inhibiting activity selected from the list in claim 5."

It was stated in the Office Action that currently claims 1 and 14 are generic claims.

Applicants elect methotrexate as a single disclosed species.

All the claims are readable on the elected species.

The Restriction Requirement is respectfully traversed on the ground that it is not a species requirement of the type set forth in the third paragraph of MPEP 803.02 entitled "PRACTICE RE MARKUSH TYPE CLAIMS". It is respectfully submitted that the practice set forth therein and in the decisions cited in MPEP 803.02 are the proper practice to be applied in the present case and to the extent that the Restriction Requirement is not consistent therewith, it is respectfully traversed.

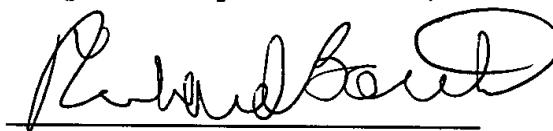
If, however, the Restriction Requirement is maintained, then taking into consideration that there are generic claims, it is

respectfully requested that the provisions of 37 CFR 1.141(a) and the procedure set forth in MPEP 806.04(d) be followed, which provide that once a claim that is determined to be generic is allowed, all the claims drawn to species, in addition to the elected species, which include all of the limitations of the generic claim, should be allowed.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Richard Barth', written over a horizontal line.

RICHARD S. BARTH
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